

REMARKS

This Amendment is being filed in response to the Office Action mailed November 17, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 5-20 remain in this application, where claims 3-4 had been previously canceled without prejudice and claims 15-18 had been previously added. Claims 19-20 are currently added. Claims 1 and 13 are independent.

In the Office Action, claims 1 and 3-18 are rejected under 35 U.S.C. §103(a) over of U.S. Patent No. 5,322,075 (Deevi) in view of U.S. Patent No. 5,908,585 (Shibuta). Further, claim 2 is rejected under 35 U.S.C. §103(a) over Deevi in view of U.S. Patent No. 4,074,001 (Imai). Applicants respectfully traverse and submit that claims 1-2 and 5-20, as amended, are patentable over Deevi, Shibuta and Imai for at least the following reasons.

Deevi is directed to a smoking article in which a flavor-

generating medium is heated electrically to release an aerosol for inhalation by a consumer. The smoking article includes a heater having resistive heating elements printed on a flexible non-conductive substrate 205.

Shibuta is directed to an electrically conductive transparent film used as substrates for display devices such as LC or EL display devices. The Shibuta film is used as transparent electrodes and for shielding electromagnetic waves in electronic equipment. The Shibuta electrically conductive transparent film includes hollow carbon microfibers and transparent electrically conductive metal oxide powder in a binder. The binder includes sols of metal oxides such as silica, tin oxide, aluminum oxide, and zirconium oxide, as well as other compounds such as organosilane.

Imai is directed to a fixing roll for electrophotography having a surface layer of a cured room-temperature-vulcanizing silicone rubber composition comprising a mixture consisting of two diorganopolysiloxanes, including an alkoxysilane.

It is respectfully submitted that Deevi, Shibuta and Imai, alone or in combination, do not teach or suggest the present

invention as recited in independent claim 1, and similarly recited in independent claim 13 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein both the electrically insulating layer and the electrically conductive layer are based on a hybrid sol-gel precursor comprising an organosilane compound.

A heating element where both its electrically insulating and electrically conductive layers are based on a hybrid sol-gel precursor comprising an organosilane compound is nowhere disclosed or suggested in Deevi, Shibuta and Imai, and combinations thereof. Rather, Shibuta merely discloses a binder that includes organosilane.


Accordingly, it is respectfully requested that independent claims 1 and 13 be allowed. In addition, it is respectfully submitted that claims 2, 5-12 and 14-20 should also be allowed at least based on their dependence from independent claims 1 and 13, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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